

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--|---|-------------------------------|
| MICHAEL A. RIVOTA, individually and on behalf of all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Case No. 1:19-cv-04156 |
| |) | |
| BANK OF AMERICA CORPORATION and MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED, |) | |
| |) | Judge Lee |
| Defendants. |) | |
| |) | |

JOINT MOTION FOR AN AGREED CONFIDENTIALITY ORDER

The Parties, Plaintiff Michael A. Rivota (“Plaintiff”) and Defendants Bank of America Corporation (“BAC”) and Merrill Lynch, Pierce, Fenner & Smith Incorporated (“MLPFS”) (collectively, “Defendants”), by and through their attorneys, pursuant to Federal Rule of Civil Procedure 26(c), jointly request that this Court enter their Proposed Agreed Confidentiality Order attached hereto as *Exhibit A*. In support thereof the Parties state as follows:

1. On March 20, 2019, Plaintiff filed his Class Action Complaint (“Complaint”) against Defendants in the Circuit Court of Cook County, Illinois. Plaintiff asserts claims under the Illinois Minimum Wage Law (“IMWL”) and the Illinois Wage Payment and Collection Act (“IWPCA”) on behalf of himself and others alleged to be similarly situated. (Dkt. #s 1-2, 1-4).
2. On June 20, 2019, Defendants timely removed this case to this Court. (Dkt. # 2). On June 25, 2019, Defendants timely filed their Answer to Plaintiff’s Complaint. (Dkt. # 7).
3. Pursuant to this District’s Mandatory Initial Discovery Pilot (“MIDP”), the Parties served their respective MIDP Responses on July 25, 2019. (Dkt. #s 17, 18).

4. The MIDP requires the Parties to produce all documents and ESI identified in the MIDP disclosures on or before 40 days after service of the MIDPP disclosures. *See Standing Order Regarding Mandatory Initial Discovery Pilot Project*, B.3, C.1, C.2.c.

5. Upon motion and a showing of good cause, Federal Rule of Civil Procedure 26(c) permits a court to make any order which justice requires to protect a litigant from annoyance, embarrassment, oppression, or undue burden or expense, including an order that disclosure or discovery not be had, or only be had on specified terms and conditions, or that certain matters not be inquired into, or that the scope of discovery be limited to certain matters. *See Fed. R. Civ. P. 26(c)*.

6. Good cause for entry of the Parties' Proposed Agreed Confidentiality Order exists as the MIDP requires Defendants to disclose several categories of documents containing "Confidential Information," as that phrase is defined within the Parties' Proposed Order attached as *Exhibit A*.

7. The Parties' Proposed Agreed Confidentiality Order prohibits use of Confidential Information for any purpose other than litigation of this case, prohibits unauthorized dissemination of designated documents and information, and requires the return or destruction of Confidential Information at the end of this litigation. Such an order would ensure the protection of such information, consistent with the principles of federal and Illinois law. This order will also protect against improper dissemination of confidential information and unfairness in the trial process.

WHEREFORE, for the reasons discussed herein, the Parties have established good cause for the entry of their Proposed Agreed Protective Order, and therefore respectfully request that this Court enter said order.

Dated: August 30, 2019

Respectfully submitted,

/s/ Thomas M. Ryan (w/permission)
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification and service of such filing to all registered counsel of record.

/s/ Chen G. Ni